

JUN 17 2008

**Board of Vocational Nursing  
and Psychiatric Technicians**

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. <sup>1137</sup> VN-2006-751

LAURA JEAN CERVANTES  
a.k.a. LAURA JEAN HURNDON  
11428 Wild Meadow Place  
San Diego, CA 92131

**ACCUSATION**

Vocational Nurse License No. VN 194027

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this  
Accusation solely in her official capacity as the Executive Officer of the Board of Vocational  
Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about January 18, 2001, the Board of Vocational Nursing and  
Psychiatric Technicians ("Board") issued vocational nurse license number VN 194027 to Laura  
Jean Cervantes, a.k.a. Laura Jean Hurndon ("Respondent"). The license was in full force and  
effect at all times relevant to the charges brought herein and will expire on November 30, 2008,  
unless renewed.

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3. Section 2875 of the Business and Professions Code (“Code”) provides, in

The Board may suspend or revoke a license issued under this chapter  
Occupational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for  
the following:

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In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

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1 (c) Be convicted of a criminal offense involving possession of any  
2 narcotic or dangerous drug, or the prescription, consumption, or self-administration  
3 of any of the substances described in subdivisions (a) and (b) of this section, in  
4 which event the record of the conviction is conclusive evidence thereof.

5 (d) Be committed or confined by a court of competent jurisdiction for  
6 intemperate use or addiction to the use of the substances described in subdivisions  
7 (a) and (b) of this section, in which event the court order of commitment or  
8 confinement is prima facie evidence of such commitment or confinement.

9 6. Section 490 of the Code provides, in pertinent part, that the Board may  
10 suspend or revoke a license when it finds that the licensee has been convicted of a crime  
11 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

12 7. Section 492 of the Code provides, in pertinent part, that successful  
13 completion of any diversion program under the Penal Code, or successful completion of an  
14 alcohol and drug problem assessment program, shall not prohibit any agency from taking  
15 disciplinary action against a licensee or from denying a license for professional misconduct,  
16 notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an  
17 arrest.

18 8. Section 125.3 of the Code provides, in pertinent part, that the Board may  
19 request the administrative law judge to direct a licentiate found to have committed a violation or  
20 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
21 and enforcement of the case.

22 9. California Code of Regulations, title 16, section 2521, states:

23 For the purposes of denial, suspension, or revocation of a license pursuant  
24 to Division 1.5 (commencing with section 475) of the Business and Professions  
25 Code, a crime or act shall be considered to be substantially related to the  
26 qualifications, functions or duties of a licensed vocational nurse if to a  
27 substantial degree it evidences present or potential unfitness of a licensed  
28 vocational nurse to perform the functions authorized by his license in a  
manner consistent with the public health, safety, or welfare. Such crimes  
shall include but not be limited to those involving the following:

....

(c) Violating or attempting to violate, directly or indirectly,  
or assisting in or abetting the violation of, or conspiring to violate  
any provision or term of Chapter 6.5, Division 2 of the Business and  
Professions Code.

....

1 (e) Conviction of any crime involving fiscal dishonesty.

2 (f) Any crime or act involving the sale, gift, administration,  
3 or furnishing of "narcotics or dangerous drugs or dangerous devices" as  
defined in Section 4022 of the Business and Professions Code.

4 10. California Code of Regulations, title 16, section 2522.5, states:

5 (a) When considering the suspension or revocation of a license  
6 on the ground that a licensed vocational nurse has been convicted of a crime,  
the Board, in evaluating the rehabilitation of such person and his eligibility  
7 for a license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or  
offense(s).

11 (4) Whether the licensee has complied with any terms of parole,  
12 probation, restitution, or any other sanctions lawfully imposed against the  
licensee.

13 (5) If applicable, evidence of expungement proceedings pursuant to  
14 Section 1203.4 of the Penal Code.

15 (6) Evidence, if any, of rehabilitation submitted by the licensee.

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17 "DRUGS"

18 11. "Methamphetamine" is a Schedule II controlled substance as designated by  
19 Health and Safety Code section 11055(d)(2).

20 FIRST CAUSE FOR DISCIPLINE

21 (Conviction of a Crime Substantially Related)  
(June 2007 - Concealing Stolen Property, Under the Influence of a Controlled Substance)

22 12. Respondent is subject to disciplinary action under Code sections 490,  
23 2878(f), and California Code of Regulations, title 16, section 2521(c), (e) and (f) in that on  
24 June 25, 2007, in a criminal case entitled *People v. Laura J. Cervantes*, in the Superior Court of  
25 California, County of San Diego, Central Division, Case No. SCD 205896, Respondent was  
26 convicted by the Court on her plea of guilty of violating Penal Code sections 496(a) (receiving  
27 stolen property), a felony, 496(d) (concealing stolen property), a felony, and Health and Safety

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1 Code section 11550(a) (under the influence of a controlled substance - Methamphetamine), a  
2 misdemeanor. The circumstances are as follows:

3 a. On April 12, 2007, San Diego Police Officers arrested Respondent and  
4 another subject for vehicle theft. Officers suspected Respondent of being under the influence of  
5 drugs and took a mouth swab sample from Respondent. Based upon drug testing, officers found  
6 Respondent to be under the influence of a controlled substance.

7 b. As a result of the above conviction, Respondent was sentenced to three (3)  
8 years formal probation, ordered to serve 59 days custody time with 55 days served and 4 days  
9 credit per Penal Code section 4019. Respondent was also ordered by the Court to reside at  
10 Serenity House for a period of time and ordered to pay \$23,568.23, of which \$22,474.23 is for  
11 victim restitution and the remainder for numerous court fees and fines.

12 SECOND CAUSE FOR DISCIPLINE

13 (Conviction of a Crime Substantially Related)  
14 (June 1995 - Burglary)

15 13. Respondent is subject to disciplinary action under Code sections 490,  
16 2878(f), and California Code of Regulations, title 16, section 2521(c), (e) and (f) in that on  
17 June 22, 1995, in a criminal case entitled *People v. Laura J. Hurndon*, in the Superior Court of  
18 California, County of San Diego, Central Division, Case No. M694511, Respondent was  
19 convicted by the Court on her plea of guilty of violating Penal Code section 459, a misdemeanor  
20 pursuant to Penal Code section 17(b)(4). The circumstances are as follows:

21 a. In December of 1995, Respondent was arrested after she attempted to cash  
22 a check for a "friend's boyfriend."

23 b. As a result of the above conviction, Respondent was ordered to pay \$580  
24 in fines and imposition of sentence was suspended for three years. Probation was revoked on  
25 September 30, 1996. Respondent was then sentenced to volunteer 112 hours for United Way in  
26 lieu of custody time.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)  
3 (Possession of a Controlled Substance - Methamphetamine)

4 14. Respondent is subject to disciplinary action under Code section 2878(a) on  
5 the grounds of unprofessional conduct as defined in section 2878.5(a) of that Code in that on or  
6 about October 25, 2006, she possessed Methamphetamine. On this date, El Cajon Police  
7 Officers responded to a call from a citizen reporting subjects stealing gasoline from vehicles.  
8 Responding officers made contact with Respondent and another subject. Officers found  
9 Methamphetamine and drug paraphernalia in the truck Respondent was in. As a result, on or  
10 about November 2, 2006, in a criminal case entitled *People v. Laura J. Cervantes*, in the  
11 Superior Court of California, County of San Diego, East County Division, Case No. C265836,  
12 Respondent plead guilty of violating Health and Safety Code section 11377(a) (Possession of a  
13 Controlled Substance - Methamphetamine), a misdemeanor. The Court ordered deferred entry of  
14 judgment for 18 months per Penal Code section 1000, to attend NA/AA meetings 2 days per  
15 week for 18 months, and ordered to pay \$95 in fees and fines.

16 FOURTH CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct)  
18 (Self-administer a Controlled Substance - Methamphetamine)

19 15. Respondent is subject to disciplinary action under Code section 2878(a) on  
20 the grounds of unprofessional conduct as defined in section 2878.5 of that Code in that on or  
21 about April 12, 2007, Respondent, while licensed as a vocational nurse, was found to be under  
22 the influence of Methamphetamine, a controlled substance, as designated by Health and Safety  
23 Code section 11055(d)(2), as is more fully described in paragraph 12, above, and incorporated  
24 herein by reference.

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1 FIFTH CAUSE FOR DISCIPLINE

2 (Commission of An Act Involving Dishonesty)

3 16. Respondent is subject to disciplinary action under Code section 2878(j) in  
4 that she committed acts of dishonesty. Respondent was convicted of receiving stolen property,  
5 concealing stolen property and burglary, as is more fully described in paragraphs 12 and 13,  
6 above, incorporated herein by reference.

7 SIXTH CAUSE FOR DISCIPLINE

8 (Conviction for Use of a Controlled Substance)

9 17. Respondent is subject to disciplinary action under Code section 2878.5(c),  
10 in that she was convicted of being under the influence of a controlled substance,  
11 Methamphetamine, as is more fully described in paragraph 12, above, incorporated herein by  
12 reference.

13 SEVENTH CAUSE FOR DISCIPLINE

14 (Confinement or Committal for Addiction)

15 18. Respondent is subject to disciplinary action under Code section 2878.5(d)  
16 in that on June 25, 2007, in a criminal case entitled *People v. Laura J. Cervantes*, in the Superior  
17 Court of California, County of San Diego, Central Division, Case No. SCD 205896, Respondent  
18 was ordered by the court to reside for a period of time at Serenity House, a recovery residential  
19 home, as is more fully described in paragraph 12, above, incorporated herein by reference.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
22 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
23 Technicians issue a decision:

24 1. Revoking or suspending vocational nurse license number VN 194027,  
25 issued to Laura Jean Cervantes, a.k.a. Laura Jean Hurndon;

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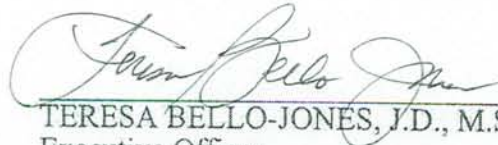
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1                   2.       Ordering Laura Jean Cervantes, a.k.a. Laura Jean Hurndon, to pay the  
2 Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the  
3 investigation and enforcement of this case, pursuant to Business and Professions Code section  
4 125.3;

5                   3.       Taking such other and further action as deemed necessary and proper.

6 DATED: June 17, 2008.

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9 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
10 Executive Officer  
11 Board of Vocational Nursing and Psychiatric Technicians  
12 Department of Consumer Affairs  
13 State of California  
14 Complainant  
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